

1-51742
Hedgepeth, Suzanne

RSPA-02-11384 - 5

From: Rader, Jim <FRA> [Jim.Rader@fra.dot.gov]
Sent: Tuesday, April 16, 2002 7:40 AM
To: Posten, Ryan <RSPA>; Hedgepeth, Suzanne <RSPA>; Mazzullo, Ann <RSPA>
Cc: Taber, Al <FRA>; Campbell, Dennis <FRA>; Gonzalez, F <FRA>; Pegues, James <FRA>; Blackwell, Kevin <FRA>; Kasey, Ray <FRA>; Phemister, Tom <FRA>; Schoonover, William <FRA>;
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Subject: RPI Exemption Request DOT-E 12905



DOT 12905 jhr
revised.wpd

Sue, Ryan, and Ann:

Please find attached a current version of DOT-E 12905. I made a few comments based on conversations with Transport Canada. Transport Canada is also processing an identical request, so we coordinated our efforts for consistency.

If you have any questions, please let me know.

Jim

James H. Rader
Staff Director, Hazardous Materials Program
Federal Railroad Administration
1120 Vermont Avenue
Mail Stop 25
Washington, D.C. 20590
202.493.6248
202.493.6230 (fax)

DEPT. OF TRANSPORTATION
PROPERTY
02 JUL 30 AM 9:12

FRA latest version 4/1/1

DOT-E 12905

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| EXPIRATION DATE: |
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(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Persons listed on Appendix A to this exemption.
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain tank cars with stainless steel identification plates in lieu of stamping the tank car heads. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 179.100-20(a), 179.200-24(a) and (b), 179.201-10(a) [first sentence only], 179.220-25, 173.22a(a) and (b), 172.203(a), and 172.301(c).
5. BASIS: This exemption is based on the application of Railway Progress Institute dated December 19, 2001, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

All hazardous materials approved for transportation in DOT and AAR tank cars

7. SAFETY CONTROL MEASURES:

- a. PACKAGING -Packaging are DOT and AAR specification tank cars.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. The car owner must have a current copy of this exemption.

c. To certify compliance with Federal requirements, the tank manufacturer must install two identical permanent identification plates, one located on each inboard surface of the AR and BL body bolster webs so that each plate is readily accessible for inspection. The plates must be at least 3/32-inch thick and manufactured from corrosion resistant metal. When the tank jacket (flashing) covers the body bolster web and identification plates, additional identical plates must be installed on the AR and BL corners of the tank in a visible location.

d. Each plate must be stamped, embossed, or otherwise marked by an equally durable method in letters 3/16-inch high with the following information (parenthetical abbreviations may be used, and the AAR form reference is to the AAR Specifications for Tank Cars, year 2000 version):

i. Tank Manufacturer (Tank MFG): Full name of the car builder as shown on the certificate of construction (AAR form 4-2).

ii. Tank Manufacturer's Serial Number (SERIAL NO): For the specific car.

iii. AAR Number (AAR NO): The AAR number from line 3 of

AAR Form 4-2).

iv. Tank Specification (SPECIFICATION): The specification to which the tank was built from line 7 of AAR form 4-2.

v. Tank Shell Material / Head Material (SHELL MATL / HEAD MATL): ASTM or AAR specification of the material used in the construction of the tank shell and heads from lines 15 and 16 of AAR Form 4-2. For Class DOT-113W, DOT-115W, AAR-204W, and AAR-206W, the materials used in the construction of the outer tank shell and heads must be listed. Only list the alloy (e.g., 5154) for aluminum tanks and the type (e.g., 304L or 316L) for stainless steel tanks.

vi. Insulation Material (INSULATION MATL): Generic names of the first and second layer of any thermal protection / insulation material applied.

vii. Insulation Thickness (INSULATION THICKNESS): In inches.

viii. Underframe / Stub Sill Type (UF/SS DESIGN): The design from Line 32 of AAR form 4-2.

ix. Date of Manufacture (DATE OF MFR): The month and year of tank manufacture. If the underframe has a different built date than the tank, then show both dates.

e. When a modification to the tank changes any of the information shown in paragraph 8(d) of this exemption, the car owner or the tank car facility making the modification must install an additional variable identification plate on the tank in accordance with paragraph 8(c) of this exemption showing the following information:

- i. AAR Number (AAR NO): The AAR number from line 3 of AAR Form 4-2 for the alteration or conversion.
- ii. All items of paragraph (d) of this exemption that were modified, followed by the month and year of modification.

f. MARKING: tank cars offered under the terms of this exemption need not be marked with the exemption number in accordance with ~~§~~ 172.301(c).

g. The shipping paper additional information requirement of 49 CFR 172.203(a) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590
(202) 493-6229 or 493-6248

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable.

(49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

Dist:
PO: Francisco González, III

APPENDIX A

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with 49 CFR 107.107 or 107.109, as appropriate:

| Company Name City/State | Applica- tion Date | Expiratio n Date | Issue Date |
|---|--------------------------|------------------------|---------------|
| ACF industries, Inc. St. Charles, MO | 12/19/2001 | | |
| American Railcar Industries St. Charles, MO | 12/19/2001 | | |
| G.E. Capital Rail Services Chicago, IL | 12/19/2001 | | |
| GATX Rail Corporation Chicago, IL | 12/19/2001 | | |
| Proctor Limited Ontario, Canada | 12/19/2001 | | |
| Trinity Rail Group Dallas, TX | 12/19/2001 | | |
| Union Tank Car Company Chicago, IL | 12/19/2001 | | |